AN ORDINANCE BY FINANCE/EXECUTIVE COMMITTEE

AN ORDINANCE AUTHORIZING THE CITY OF ATLANTA TO REIMBURSE VIRGINIA ONE DEVELOPMENT, LLC FOR COSTS INCURRED BY IT TO IMPLEMENT NOISE INSULATION MEASURES AT THE HARTSFIELD LANDING APARTMENT COMPLEX IN AN AMOUNT NOT TO EXCEED \$1,500,000 AND WAIVING THE APPLICATION OF ANY CONFLICTING ORDINANCES IN THE CITY'S PROCUREMENT AND REAL ESTATE CODE. ALL SERVICES SHALL BE CHARGED TO AND PAID FROM PTAEO (\$1,200,000) 18100033 (AIP 01) 153 (TASK) 550231297 (DOA R N E AZ67) 5212001 (CONSULTING/PROFESSIONAL SERV) AND FDOA 5502 (AIRPORT RENEWAL AND EXTENSION FUND) 180201 (DOA AVIATION CAPITAL PLANNING & DEVELOPMENT) 5212001 (CONSULTING/ PROFESSIONAL SERV) 7563000 (AIRPORT) 100033 (AIP 01) 31297 (DOA R N E AZ67) AND PTAEO (\$300,000) 18210816 (NOISE INSULATION PROGRAM) 101 (TASK) 550591336 (DOA **PFC** REVENUE 96AA) 5212001 (CONSULTING/PROFESSIONAL SERV) AND FDOA 5505 (AIRPORT PASSENGER FACILITY CHARGE FUND) 180201 (DOA AVIATION CAPITAL PLANNING & DEVELOPMENT) 5212001 (CONSULTING/PROFESSIONAL SERV) 7563000 (AIRPORT) 210816 (NOISE INSULATION PROGRAM) 91336 (DOA PFC REVENUE 96AA); AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City"), as the owner of Hartsfield-Jackson Atlanta International Airport ("Airport"), is implementing a federally funded Noise Insulation Program ("NIP 2010") applicable to eligible structures located in proximity to the Airport to increase land use compatibility with aircraft noise; and

WHEREAS, NIP 2010 involves the installation of noise reduction retrofit components in eligible structures, such as acoustically-rated windows and doors; enhanced heat, vent and air condition systems; and other acoustically-based modifications; and

WHEREAS, the City, through its Department of Aviation ("DOA"), provides planning, design, construction, construction management and program management services in support of NIP 2010, of which 80% of eligible costs are reimbursed by the Federal Aviation Administration and 20% are paid by the City; and

WHEREAS, the Hartsfield Landing Apartment Complex ("Complex") consists of 69 units located at 3009 Roosevelt Highway in College Park, Georgia, and is owned by Virginia One Development, LLC ("Virginia One"); and

WHEREAS, the Complex is eligible to receive NIP 2010 improvements ("Complex NIP Improvements") and is currently scheduled to receive them in late 2011 or early 2012; the City anticipates installing the Complex NIP Improvements through the use of a contractor competitively procured by it; and

WHEREAS, in the first quarter of 2011, before the City's anticipated installation of the Complex NIP Improvements, Virginia One plans to perform a Complex-wide rehabilitation to modernize the Complex and has advised the DOA that performing such rehabilitation contemporaneously with the installation of the Complex NIP Improvements would be the most efficient and cost effective way of completing both activities; and

WHEREAS, accordingly, and in order to allow the rehabilitation and Complex NIP Improvements to be done contemporaneously, Virginia One has offered to provide and pay for the design and construction management to install the Complex NIP Improvements, if the City agrees to reimburse it for its costs in constructing the Complex NIP Improvements in an amount not to exceed \$1,500,000; and

WHEREAS, the City has determined that it is desirable and in its best interest to accept such offer, provided the Complex NIP Improvements are designed and installed in accordance with the same acoustical design and construction standards required by NIP 2010 and, after their installation, it has been demonstrated by Virginia One to the DOA, and the DOA has verified, that the desired interior noise levels in the Complex have been attained.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, THAT:

<u>Section 1</u>: The City is authorized to reimburse Virginia One in an amount not to exceed \$1,500,000 for Virginia One's construction costs incurred in installing the Complex NIP Improvements, provided that all conditions imposed by the City have been satisfied by Virginia One, including, but not limited to, demonstration to the DOA, and the DOA's verification, that the NIP Complex Improvements have been installed in accordance with the same acoustical design and construction standards required by NIP 2010 and that the desired interior noise levels in the Complex have been attained.

<u>Section 2</u>: The Mayor, or other appropriate City representatives, are authorized to execute with Virginia One any documents necessary to effectuate this transaction.

Section 3: All eligible reimbursable amounts will be charged to and paid from PTAEO: (\$1,200,000) 18100033 (AIP 01) 153 (Task) 550231297 (DOA R N E AZ67) 5212001 (Consulting/Professional Serv) and FDOA 5502 (Airport Renewal And Extension Fund) 180201 (DOA Aviation Capital Planning & Development) 5212001 (Consulting/Professional Serv) 7563000 (Airport) 100033 (AIP 01) 31297 (DOA R N E AZ67) and PTAEO (\$300,000) 18210816 (Noise Insulation Program) 101 (Task) 550591336 (DOA PFC Revenue 96AA) 5212001 (Consulting / Professional Serv) and FDOA 5505 (Airport Passenger Facility Charge Fund) 180201 (DOA Aviation Capital Planning & Development) 5212001 (Consulting/Professional Serv) 7563000 (Airport) 210816 (Noise Insulation Program) 91336 (DOA PFC Revenue 96AA).

<u>Section 4:</u> No document executed by the Mayor, or other appropriate City representatives, will become binding or impose any obligations upon the City until it has been executed by the Mayor, or other appropriate City representative, attested to by the Municipal Clerk, approved by the City Attorney as to form and delivered to Virginia One.

<u>Section 5:</u> To the extent that this transaction conflicts with any City Code Section, including those provisions in the City's Procurement and Real Estate Code, that conflict is waived.



Kasim Reed Mayor

To: Adam L. Smith, Esq., CPPO, CPPB

Chief Procurement Officer Department of Procurement

From: Louis E. Miller

Aviation General Manager Department of Aviation

Date: November 12, 2010

Re: Your Memorandum Dated September 24, 2010, Concerning: "Seeking to Waive

Procurement Code"; Hartsfield Landing Apartment Complex; Department of

Jours Willer

Aviation's Noise Insulation Program 2010

In accordance with the referenced Memorandum from you to Departments/Agencies Heads, this Memorandum notifies you of the Department of Aviation's intent to seek a waiver of the City's Procurement and Real Estate Code to effectuate its Noise Insulation Program 2010 and fund the installation of noise insulation measures at Hartsfield Landing Apartment Complex. A copy of the Ordinance seeking this waiver is attached. That Ordinance and the Department of Aviation's justification for seeking the waiver outlined in it are self-explanatory. The Department of Aviation intends to submit this Ordinance for consideration (first read) at the Council's January 03, 2011, meeting.

Please contact me if you have any comments or questions.

cc: James Drinkard Thomas Nissalke Girard Geeter Justina Mann



<u>Part II: Legislative White Paper:</u> (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislat	ive Counsel:	
Committee of Purview:		
Caption:		
Council Meeting Date:		
Requesting Dept.:		
FAC Confirmed by:		

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of the legislation is for the City of Atlanta to enter into a reimbursable agreement with Virginia One, LLC for Virginia One, LLC to self-perform noise insulation work at Hartsfield Landing and be reimbursed its costs for procurement and installation of acoustical doors, acoustical windows, and attic insulation.

2. Please provide background information regarding this legislation.

Virginia One, LLC is the owner of the Hartsfield Landing Apartment Complex located On Roosevelt Highway in College Park. This Apartment Complex consists of 69 units and is currently unoccupied. The Complex is currently scheduled to receive acoustical retrofits to be provided by the Department of Aviation through its Noise Insulation Program 2010 (NIP 2010). However, Virginia One will be completely renovating the apartments beginning in the first quarter of calendar year 2011.

Knowing that the NIP 2010 will be treating the Complex after Virginia One completes its work; Virginia One has approached the DOA about self-performing the work and being reimbursed its cost to do so. The reimbursement would be tied to the resulting sound insulation work meeting the same acoustical criteria that the NIP 2010 imposes upon itself (a goal of an interior level of 45 DNL). Other reimbursement and performance requirements would be memorialized in an agreement between the City and Virginia One.

It is in the City's best interest to have the noise insulation work executed this way. The City will bear no costs for design, construction management, or project management. The City would bear these costs if the NIP 2010 performed the work. The work will be accomplished more efficiently because the acoustical components will be added prior to residents moving in to the apartments.

3. <u>If Ar</u>	pplicable/Known:
(a)	Contract Type (e.g. Professional Services, Construction Agreement, etc): Professional Services
(b)	Source Selection:
(c)	Bids/Proposals Due:
(d)	Invitations Issued:
(e)	Number of Bids:
(f)	Proposals Received:
(g)	Bidders/Proponents:
(h)	Term of Contract:
550231. Renewa (Consul (\$300,0 521200 180201	d Account Center (<i>Ex. Name and number</i>): PTAEO: (\$1,200,000) 18100033 (AIP 01) 153 (Task) 297 (DOA R N E AZ67) 5212001 (Consulting / Professional Serv) and FDOA: 5502 (Airport al And Extension Fund) 180201 (DOA Aviation Capital Planning & Development) 5212001 ting / Professional Serv) 7563000 (Airport) 100033 (AIP 01) 31297 (DOA R N E AZ67) and PTAEO: 00) 18210816 (Noise Insulation Program) 101 (Task) 550591336 (DOA PFC Revenue 96AA) (Consulting / Professional Serv) and FDOA: 5505 (Airport Passenger Facility Charge Fund) (DOA Aviation Capital Planning & Development) 5212001 (Consulting / Professional Serv) (AIRPORT) 210816 (Noise Insulation Program) 91336 (DOA PFC Revenue 96AA).
5. Sou	rce of Funds: Example: Local Assistance Grant City Contribution
6. Fisc	cal Impact: \$1,500,000.00
Center	le: This legislation will result in a reduction in the amount of to Fund Account Number nod of Cost Recovery: FAA Noise Grants
Exampl	es:
	a. Revenues generated from the permits required under this legislation will be used to

- fund the personnel needed to carry out the permitting process.
- b. Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.

This Legislative Request Form Was Prepared By: Marsha Love-Brown

TRANSMITTAL FORM FOR LEGISLATION

10: MAYOR'S OFFICE	
Dept.'s Legislative Liaison:	Anita Williams
Contact Number: 404-530	-6600
Originating Department:	Aviation
Committee(s) of Purview:	Finance/Executive
Chief of Staff Deadline:	12/03/10
Anticipated Committee Meeting	ng Date(s): 12/15/10
Anticipated Full Council Date:	01/03/11
Legislative Counsel's Signatur	e: Robert Caput
Commissioner Signature:	July MATA
Chief Procurement Officer Sig	nature: Wall KMM
MEASURES AT THE HARTSFIEL EXCEED \$1,500,000 AND WAIVING THE CITY'S PROCUREMENT AN TO AND PAID FROM PTAEO (\$1,25212001 (CONSULTING/PROFESS EXTENSION FUND) 180201 (DOA (CONSULTING/ PROFESSIONAL SAND PTAEO (\$300,000) 18210816 (NREVENUE 96AA) 5212001 (CONSULTING/ PASSENGER FACILITY CHARG DEVELOPMENT)	G THE CITY OF ATLANTA TO REIMBURSE VIRGINIA ONISTS INCURRED BY IT TO IMPLEMENT NOISE INSULATION DE LANDING APARTMENT COMPLEX IN AN AMOUNT NOT TO G THE APPLICATION OF ANY CONFLICTING ORDINANCES IN DEAL ESTATE CODE. ALL SERVICES SHALL BE CHARGEI 200,000) 18100033 (AIP 01) 153 (TASK) 550231297 (DOA R N E AZ67 GIONAL SERV) AND FDOA 5502 (AIRPORT RENEWAL AND AVIATION CAPITAL PLANNING & DEVELOPMENT) 5212003 (SERV) 7563000 (AIRPORT) 100033 (AIP 01) 31297 (DOA R N E AZ67 GIONAL SERV) AND FDOA 5505 (AIRPORT SULTING/PROFESSIONAL SERV) AND FDOA 5505 (AIRPORT SE FUND) 180201 (DOA AVIATION CAPITAL PLANNING & LTING/PROFESSIONAL SERV) 7563000 (AIRPORT) 210816 (NOISE DOA PFC REVENUE 96AA); AND FOR OTHER PURPOSES.
Received by CPO: (date) Received by Mayor's Office: (date)	Received by LC from CPO: Received by LC from CPO: Reviewed by: (date)
Submitted to Council: (date	(date)